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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,066

11/17/2003

Timothy O'Brien

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7590

08/08/2008

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EXAMINER

REDDIG, PETER J

ART UNIT

PAPER NUMBER

1642

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/715,066	Applicant(s) O'BRIEN ET AL.	
	Examiner PETER J. REDDIG	Art Unit 1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,21,22 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,21,22 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/8/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed May 8, 2008 in response to the Office Action of January 10, 2008 is acknowledged and has been entered. Previously pending claim 1 has been cancelled; claims 2, 21, 22, 27, and 28 have been amended and new claim 29 have been added.
2. Claims 2, 21, 22, 27, 28 and 29 are currently being examined.
3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn as set forth in the summary of the interview of 05 May 2008.

New Grounds of Rejection

Priority

4. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed applications fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for claims 21, 22, 27, and 28 of this application. Examiner has established a priority date of 11/17/2003 for claims 21,

Art Unit: 1643

22, 27, and 28 because the claims as currently constituted recite isolated nucleic molecules that are adapted to express or encode specific residues of SEQ ID NO: 5 and a review of the parent Applications does not reveal the claimed limitations, see the written description rejection in section 6 below. Additionally, the priority date of claims 2 and 29 is November 15, 2002, based on application 60/427,045 being the prior filed application in which a nucleic acid comprising SEQ ID NO: 4 is present, i.e. SEQ ID NO: 314 of application 60/427,045. Applicant is invited to submit evidence pointing to the serial number, page and line where support can be found establishing an earlier priority date.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 21, 22, 27, 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27, and its dependent claim 2, are indefinite in that claim 27 is drawn to an isolated nucleic acid molecule encoding residues 10,432 to 22,152 of SEQ ID NO:5 or a fragment of residues 10,432 to 22,152 of SEQ ID NO:5; wherein the isolated nucleic acid molecule is an expression vector and is adapted to express in a cell residues 10,432 to 22,152 of SEQ ID NO:5 or a fragment of residues 10,432 to 22,152 of SEQ ID NO:5; wherein the fragment of residues 10,432 to 22,152 of SEQ ID NO:5 is an antigenic fragment that can be used to make monoclonal antibodies that specifically recognize CA125 and cannot be determined if the claim is limited to isolated nucleotides only encoding and expressing the fragment of residues 10,432 to 22,152 of

Art Unit: 1643

SEQ ID NO:5 or a fragment thereof, or if the claims encompass nucleic acids that encode and express fragments larger than residues 10,432 to 22,152 of SEQ ID NO:5.

It will be assumed for examination purposes that the claim is drawn to an isolated nucleic acid molecule encoding *a polypeptide comprising* residues 10,432 to 22,152 of SEQ ID NO:5 or *a polypeptide comprising* a fragment of residues 10,432 to 22,152 of SEQ ID NO:5; wherein the isolated nucleic acid molecule is an expression vector and is adapted to express in a cell residues *a polypeptide comprising* 10,432 to 22,152 of SEQ ID NO:5 or *a polypeptide comprising* a fragment of residues 10,432 to 22,152 of SEQ ID NO:5; wherein the fragment of residues 10,432 to 22,152 of SEQ ID NO:5 is an antigenic fragment that can be used to make monoclonal antibodies that specifically recognize CA125.

Claim 28, and its dependent claims, claims 21, 22, and 29, are indefinite in that claim 28 is drawn to an isolated nucleic acid molecule encoding CA125 (SEQ ID NO:5) or a fragment thereof wherein the isolated nucleic acid molecule is an expression vector and is adapted to express in a cell CA125 (SEQ ID NO:5) or a fragment thereof . . . wherein the isolated nucleic acid molecule encodes residues 1 to 10,431 of SEQ ID NO:5 or a fragment of residues 1 to 10,431 of SEQ ID NO:5, and it can not be determined if the isolated nucleic molecule is also adapted to express residues 1 to 10,431 of SEQ ID NO: 5 or a fragment of residues 1 to 10,431 of SEQ ID NO:5 or if it is only required to encode them and not necessarily express them. In other words, it is unclear if the claim is limited to a polynucleotide adapted to express residues 1 to 10,431 of SEQ ID NO: 5 or a fragment of residues 1 to 10,431 of SEQ ID NO:5 or if polynucleotides expressing fragments larger than residues 1 to 10,431 of SEQ ID NO:5 are encompassed by the claim.

It will be assumed for examination purposes that the isolated nucleic acid molecules are in an expression vector and are adapted to express in a cell SEQ ID NO: 5 or a fragment thereof that comprise a nucleic acid molecule that encodes residues 1 to 10,431 of SEQ ID NO:5 or a fragment of residues 1 to 10,431 of SEQ ID NO:5, wherein the fragment thereof is an antigenic fragment that can be used to make monoclonal antibodies that specifically recognize CA125 (SEQ ID NO: 5). Thus, the claims are interpreted as being drawn to polynucleotides encoding and expressing a protein that comprises at least a fragment of residues 1 to 10,431 of SEQ ID NO:5.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21, 22, 27, 28 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In regard to claim 27, the limitation of an isolated nucleic acid molecule encoding residues 10,432 to 22,152 of SEQ ID NO:5 or a fragment of residues 10,432 to 22,152 of SEQ ID NO:5; wherein the isolated nucleic acid molecule is an expression vector and is adapted to express in a cell residues 10,432 to 22,152 of SEQ ID NO:5 or a fragment of residues 10,432 to 22,152 of SEQ ID NO:5; wherein the fragment of residues 10,432 to 22,152 of SEQ ID NO:5 is

Art Unit: 1643

an antigenic fragment that can be used to make monoclonal antibodies that specifically recognize CA125 has no clear support in the specification and the claims as originally filed.

Applicants argue that claim 27 is supported, e.g., by SEQ ID NO: 162 of parent provisional application serial no. 60/427,045, which is identical to residues 10,432-22,152 of SEQ ID NO: 5.

The suggested support is not found persuasive because, although SEQ ID NO: 162 may be identical to residues 10,432-22,152 of SEQ ID NO:5, this polypeptide does not provide support for the genus of claimed nucleic acids encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof.

Applicants argue that claim 27 is also supported, e.g., by SEQ ID NOS:34, 36, and 38 in Tables 14, 16, and 18 of parent provisional patent application serial no. 60/299,380, which are disclosed to be the amino terminal domain, repeat domain, and carboxy terminal domain of CA125 and together make residues 10,432-22,152 of SEQ ID NO:5.

The suggested support is not found persuasive because, although SEQ ID NOS:34, 36, and 38 may make residues 10,432-22,152 of SEQ ID NO:5, these individual polypeptides do not provide support for the genus of claimed nucleic acids encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof.

Applicants argue that claim 27 is also supported, e.g., by originally filed claims 1, 4, 14, and 15. Originally filed claims 14 and 15 disclose fragments of SEQ ID NO:5 and antibodies that bind to SEQ ID NO:5 and fragments thereof.

The suggested support is not found persuasive. Originally filed claims 1, 4, 14, and 15 are drawn to: 1. An isolated nucleic acid molecule encoding CA125. 4. The isolated nucleic acid

molecule of claim 2 wherein said molecule is a fragment thereof. 14. A polypeptide with the amino acid sequence selected from the group consisting of: (a) the amino acid sequence set forth in SEQ ID NO: 5; (b) an amino acid sequence having at least 50% sequence identity to said sequence; (c) a conservative variant of an one of (a) to (b); and (d) a fragment of any one of (a) to (c). 15. A purified antibody that selectively binds to an amino acid sequence of the CA125 protein: (a) wherein the amino acid sequence of the CA125 protein comprises the amino acid sequence set forth in SEQ ID NO: 5; (b) an amino acid sequence having at least 50% sequence identity to said sequence; (c) a conservative variant of any one of (a) to (b); and (d) a fragment of any one of (a) to (c). Originally filed claims 1, 4, 14, and 15 do provide support for or suggest the genus of claimed nucleic acids encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof.

Applicants argue that claim 27 is also supported by provisional patent application serial no. 60/299,380 as follows. Pages 19-20 of provisional patent application serial no. 60/299,380 discloses recombinant domains and epitopes of CA125 and antibodies against recombinant domains. Pages 6-7 of provisional patent application serial no. 60/299,380 disclose isolated nucleic acids and fragments of the nucleic acids isolated, and expressing isolated nucleic acids from vectors. Page 2, first line of the Summary of provisional patent application serial no. 60/299,380 discloses isolating portions of the CA 125 gene. Page 3, lines 5-10 and page 4, line 3 of provisional patent application serial no. 60/299,380 disclose use of recombinant domains, such as individual repeat units, of CA 125. Page 3, lines 15-18 of provisional patent application serial no. 60/299,380 disclose recombinant domains of CA125 encompassing epitope binding

Art Unit: 1643

sites for murine antibodies. There is thus abundant support for isolated nucleic acids used to express fragments of CA125 that can be used to generate antibodies that recognize CA125.

The suggested support is not found persuasive because the cited passages of application serial no. 60/299,380 do not provide support for or suggest the claimed nucleic acid encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof. Given the above the subject matter claimed in claim 27 broadens the scope of the invention as originally disclosed in the specification.

In regard to claim 28 and its dependent claims 21, and 22, the limitation of the isolated nucleic acid molecule is an expression vector and is adapted to express in a cell CA125 (SEQ ID NO:5) or a fragment thereof . . . wherein the isolated nucleic acid molecule encodes residues 1 to 10,431 of SEQ ID NO:5 or a fragment of residues 1 to 10,431 of SEQ ID NO:5 has no clear support in the specification and the claims as originally filed.

Applicants argue that claim 28 is supported, e.g., by SEQ ID NO: 310 of parent provisional patent application serial no. 60/427,045, which is identical to residues 1-10,431 of SEQ Id NO:5.

The suggested support is not found persuasive because, although SEQ ID NO: 310 may be identical to residues 1-10,431 of SEQ ID NO:5, this polypeptide does not provide support for the genus of claimed nucleic acids encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof.

Applicants argue that claim 28 is also supported, e.g., by originally filed claims 1, 4, 14, and 15, by SEQ ID NO:5, and by paragraphs [0009], [0011], and [0041] of the specification, and by SEQ ID NOS: 1 and 4. Paragraph [0009] discloses that the extracellular amino terminal

Art Unit: 1643

domain is encoded by exons 1-9, as set out in SEQ ID NO: 1. It discloses that exon 4 is nucleotides 34575 to 38024 of SEQ ID NO:1. Paragraphs [0011] and [0041] disclose that the amino terminal extension comprises (is encoded by) four genomic exons [exons 1-4 described in paragraph 0009]. A comparison of the sequence of exon 4 (nucleotides 34575-38024 of SEQ ID NO:1) and the cDNA of SEQ ID NO:4 reveals that exon 4 ends at nucleotide 31,485 of SEQ ID NO:4. A comparison of the sequences of exons 1-4 of SEQ ID NO: 1, the cDNA sequence of SEQ ID NO: 4, and the protein sequence of SEQ ID NO:5 reveals that exons 1-4 encode residues 1-10,427 of SEQ ID NO:5. Applicants argue that Claim 21 is supported, e.g., by SEQ ID NO: 1 and paragraph [0009]. Applicants argue that the element of fragments of SEQ ID NO:5 recognized by an antibody that selectively binds to SEQ ID NO:5 is supported, e.g., by originally filed claim 15, part (d), and claim 14.

The suggested support is not found persuasive. Originally filed claims 1, 4, 14, and 15 are drawn to: 1. An isolated nucleic acid molecule encoding CA125. 4. The isolated nucleic acid molecule of claim 2 wherein said molecule is a fragment thereof. 14. A polypeptide with the amino acid sequence selected from the group consisting of: (a) the amino acid sequence set forth in SEQ ID NO: 5; (b) an amino acid sequence having at least 50% sequence identity to said sequence; (c) a conservative variant of an one of (a) to (b); and (d) a fragment of any one of (a) to (c). 15. A purified antibody that selectively binds to an amino acid sequence of the CA125 protein: (a) wherein the amino acid sequence of the CA125 protein comprises the amino acid sequence set forth in SEQ ID NO: 5; (b) an amino acid sequence having at least 50% sequence identity to said sequence; (c) a conservative variant of any one of (a) to (b); and (d) a fragment of any one of (a) to (c). Originally filed claims 1, 4, 14, and 15 do provide support for or suggest the

claimed nucleic acid encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof. Additionally the polypeptide of SEQ ID NO: 5 does not support or suggest the genus of claimed nucleic acids encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof. Additionally, the disclosure of the individual exons of CA125 and SEQ ID NO: 4, although exons 1-4 may encode residues 1-10,427 of SEQ ID NO:5, does not support or suggest the genus of claimed nucleic acids encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof

Additionally, although an isolated nucleic acid molecule comprising the sequence of SEQ ID NO: 1 in an expression vector would inherently express at least a fragment of residues 1-10,431 of SEQ ID NO:5, there is not inherent support for fragments of SEQ ID NO: 1 encoding and expressing residues 1-10,431 of SEQ ID NO:5 or fragments thereof.

Given the above the subject matter claimed in claims 21, 22 and 28 broadens the scope of the invention as originally disclosed in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Yin and Lloyd (J. Biol. Chem. July 20, 2001. 276: 27371-27375, previously cited) and evidenced by appendix 1.

Yin and Lloyd teach cloning a C-terminal fragment of CA125 by screening a λ ZAP cDNA expression library of cDNA from OVCAR3 cells with an antibody to CA125, see Abstract, Materials and Methods, p. 27,372, and the Figures. Given that the λ ZAP cDNA vectors express fragments of cDNA that are detected by a CA125, Lin and Lloyd teach an isolated expression vector with a fragment of SEQ ID NO: 4 encoding a fragment of CA125 that is adapted to express in a cell a fragment of SEQ ID NO: 5 that is a fragment of residues 10,432 to 22,152 of SEQ ID NO: 5, see appendix 1.

Given that the polynucleotide of the prior art reference encodes a polypeptide that is recognized by an antibody to CA125, it would be expected that the encoded fragment could be used to make monoclonal antibodies that specifically recognize CA125. Although the reference does not specifically state that the isolated CA125 nucleotide fragment can be used to make monoclonal antibodies that specifically recognize CA125, the claimed product appears to be the same as the prior art product, absent a showing of unobvious differences. The office does not have the facilities and resources to provide the factual evidence needed in order to establish that the product of the prior art does not possess the same material, structural and functional characteristics of the claimed product. In the absence of evidence to the contrary, the burden is on the applicant to prove that the claimed product is different from those taught by the prior art and to establish patentable differences. See *In re Best* 562F.2d 1252, 195 USPQ 430 (CCPA).

Applicants argue that claim 27 has a priority date of at least June 19, 2001. Claim 27 is fully supported by provisional patent application 60/299,380, which was filed June 19, 2001. SEQ ID NOS:34, 36, and 38 in Tables 14, 16, and 18 of parent provisional patent application serial no. 60/299,380 are disclosed to be the amino terminal domain, repeat domain, and carboxy

Art Unit: 1643

terminal domain of CA125. Together these make up residues 10,432-22,152 of SEQ ID NO: 5 as is recited in claim 27. Pages 6-7 of provisional patent application serial no. 60/299,380 disclose isolated nucleic acids and fragments of the nucleic acids isolated, and expressing isolated nucleic acids from vectors. Page 2, first line of the Summary of provisional patent application serial no. 60/299,380 discloses isolating portions of the CA125 gene. Page 3, lines 5-10 and page 4, line 3 of provisional patent application serial no. 60/299,380 discloses use of recombinant domains, such as individual repeat units, of CA125. Page 3, lines 11-18 of provisional patent application serial no. 60/299,380 discloses recombinant domains of CA 125 encompassing epitope binding sites for murine antibodies, and use of the recombinant molecules as vaccines or to stimulate patients' immune systems. There is thus abundant support for expressing fragments of CA 125 that can be used to generate antibodies that recognize CA125, as is recited in claim 27. The priority date of claim 27 is thus before Yin and Lloyd, and Yin and Lloyd is not prior art to claim 27.

Applicants arguments have been considered, but have not been found persuasive because, although SEQ ID NOS:34, 36, and 38 may make residues 10,432-22,152 of SEQ ID NO:5, these individual polypeptides do not provide support for the genus of claimed nucleic acids encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof. Additionally, the cited passages of application serial no. 60/299,380 do not provide support for or suggest the claimed nucleic acid encoding or adapted to express the specifically claimed residues of SEQ ID NO: 5 or fragments thereof. Thus the priority date of claim 27 is 11/17/2003 as set forth above.

Applicants argue that Yin and Lloyd (3. Biol. Chem., July 20, 2001, 276:27371-27375) states that the authors isolated a 5797-base pair sequence containing a stop codon but no clear 5' initiation sequence (abstract). And it is dated July 20, 2001. The alignment the Examiner shows, however, is with Genbank locus AF361486, which is 21,112 bp (not 5797 bp) and states that it was updated on Sept. 8, 2003.

Applicant submits with this response in an Information Disclosure Statement the revision history of AF361486 and AF361486 version 1 GI:14971109. The revision history shows that version GI: 14971109 is the earliest version of AF361486 and was submitted on July 20, 2001. In the version submitted on July 20, 2001, AF361486 only had 5797 nucleotides, the same as Yin and Lloyd. The next revision of AF361486 was on Aug. 26, 2003. Version GI: 14971109 encodes an 1890-amino-acid protein that is homologous to the carboxy terminal 1890 amino acid residues of the present SEQ ID NO:5 and appears to be the protein sequence disclosed in Yin and Lloyd. The 21,112 bp sequence of the present AF361486 was only submitted on September 8, 2003.

Applicants arguments have been considered, but have not been found persuasive because the date of publication of the Yin and Lloyd article and AF361486 is July 20, 2001, the priority date of claim 27 is 11/17/2003 as set forth above, and the sequence encodes and is adapted to express a fragment in a cell a fragment of SEQ ID NO: 5 that is a fragment of residues 10,432 to 22,152 of SEQ ID NO: 5.

8. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by O'Brien et al. (Tumor Biology 2001 Nov-Dec; 22(6):348-366, IDS item) as evidenced by O'Brien et al. (Tumor Biology 2002 May-Jun; 23(3):154-169, IDS item).

O'Brien et al. (2001) teach cloning a CA125 repeat domain into an expressing vector and expressing it in cells, see para. bridging page 349-350, and Fig. 4 and 5. O'Brien et al. (2002) teach that the repeat domains are with residues 10,432-22,152 of CA125, see Fig. 7.

Although the reference does not specifically state that the isolated CA125 nucleotide fragment can be used to make monoclonal antibodies that specifically recognize CA125, the claimed product appears to be the same as the prior art product, absent a showing of unobvious differences. The office does not have the facilities and resources to provide the factual evidence needed in order to establish that the product of the prior art does not possess the same material, structural and functional characteristics of the claimed product. In the absence of evidence to the contrary, the burden is on the applicant to prove that the claimed product is different from those taught by the prior art and to establish patentable differences. See *In re Best* 562 F.2d 1252, 195 USPQ 430 (CCPA).

9. Claims 21, 22, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 2002/68579 (Venter et al. 6 September 2002) as evidenced by Appendix 2.

Venter et al. teach isolated nucleic acids encoding fragments of residues 1-10,427 and 10-432 to 22, 152, see Appendix 2.

Venter et al. teach placing the isolated nucleic acids of the invention into vectors, see p. 18, lines 4-15. Venter et al. teach vectors with promoters that modulate the expression of an operably linked sequence, see page 32, lines 1-26. Venter et al. teach producing proteins with the isolated nucleic acids of the invention, see p. 10 lines 18-30 and page 34, lines 1-8. One of skill in the art would immediately recognize vectors with promoters that modulate the expression of

an operably linked sequence as an expression vector to be used for the expression and production of proteins from the isolated sequences.

Although the reference does not specifically state that the isolated CA125 nucleotide fragment can be used to make monoclonal antibodies that specifically recognize CA125/SEQ ID NO: 5, the claimed product appears to be the same as the prior art product, absent a showing of unobvious differences. The office does not have the facilities and resources to provide the factual evidence needed in order to establish that the product of the prior art does not possess the same material, structural and functional characteristics of the claimed product. In the absence of evidence to the contrary, the burden is on the applicant to prove that the claimed product is different from those taught by the prior art and to establish patentable differences. See *In re Best* 562 F.2d 1252, 195 USPQ 430 (CCPA).

10. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 2001/51513 (Algate et al. 19 July 2001) as evidenced by Appendix 3.

Algate et al. teach isolated nucleic acids encoding fragments of residues 10,432 to 22, 152, see Appendix 3. Algate et al. teach putting the nucleic acids of the invention into expression vectors encoding the polypeptides in host cells, see page 2, lines 11-15.

Although the reference does not specifically state that the isolated CA125 nucleotide fragment can be used to make monoclonal antibodies that specifically recognize CA125, the claimed product appears to be the same as the prior art product, absent a showing of unobvious differences. The office does not have the facilities and resources to provide the factual evidence needed in order to establish that the product of the prior art does not possess the same material, structural and functional characteristics of the claimed product. In the absence of evidence to the

Art Unit: 1643

contrary, the burden is on the applicant to prove that the claimed product is different from those taught by the prior art and to establish patentable differences. See *In re Best* 562 F.2d 1252, 195 USPQ 430 (CCPA).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 2, 21, 22, 27, 28, and 29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 48-50 and 52-55 of copending Application No. 11/975,668 in view of in view of US Patent No. 4,889,806 and Sambrook et al (Molecular Cloning, A Laboratory Manual, Cold Spring Harbor, 1989, p. 16.3-36).

Claims 48-50 and 52-55 of Application No. 11/975, 668 are drawn to are drawn to a an isolated nucleic acid encoding a polypeptide comprising a fragment of CA125 (SEQ ID NO:315)

Art Unit: 1643

selected from the group consisting of: (i) residues 1-1637 of SEQ ID NO:299 and an antigenic fragment of residues 1-1637 of SEQ ID NO:299; (ii) a repeat unit selected from repeat units 1-63 of Table 16; (iii) SEQ ID NOS: 164-191, 195-208, 210-220, 222-225, 227-247, 250-254, 256-276, and 278-293, ; and (iv) SEQ ID NO:300. The isolated nucleic acid of claim 50 wherein the nucleic acid encodes a polypeptide comprising SEQ ID NO:315. An isolated nucleic acid encoding a polypeptide comprising CA 125 (SEQ ID NO:315) or a fragment thereof; wherein the polypeptide comprises residues 1-10,427 of SEQ ID NO:310 or an antigenic fragment of residues 1-10,427 of SEQ ID NO:310.

It is noted that SEQ ID NO: 315 of 11/975,668 is the full length CA125 protein which is identical to the full length CA125/ SEQ ID NO: 5 of the instant application and SEQ ID NO: 314 11/975,668 is identical to SEQ ID NO: 4 of the instant application. Thus, SEQ ID NO: 4 is clearly contemplated as a polynucleotide encoding the CA125 protein.

US Patent No. 4,889,806 teach that with the advent of recombinant DNA and molecular cloning technology it is now conventional to transfer genetic information into plasmids or vectors constructed in vitro and then transferred into host cells to be clonally propagated (col 1, lines 18-24).

Sambrook et al teach that cloned genes are conventionally expressed using expression vectors and that expression of cloned proteins have been used to: (1) confirm the identity of a cloned gene by using immunological or functional assays to detect the encoded protein; (2) produce large amounts of proteins of biological interest that are normally available in only limited quantities from natural sources; (3) to study the biosynthesis and intracellular transport of proteins following their expression in various cell types; and (4) to elucidate structure-function

Art Unit: 1643

relationships by analyzing the properties of normal and mutant proteins (para bridging pages 16.3 and 16.4).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to put the CA125 nucleic acids of copending Application No. 11/975, 668 in expression vectors as taught by Sambrook et al and US Patent No. 4,889,806 because US Patent No. 4,889,806 specifically teaches that it is conventional to transfer genetic materials into plasmids or vectors and then transfer the plasmids or vectors into host cells and clonally propagate the genetic material and because Sambrook et al teach that cloned genes are conventionally expressed using expression vectors. One of ordinary skill in the art at the time the invention was made would have been motivated to put the sequences of U.S. Patent No. 6, 261,836 in plasmid vectors operably linked to promoters as Sambrook et al and US Patent No. 4,889,806 because Sambrook et al specifically teach that expressed cloned proteins are used to: (1) confirm the identity of a cloned gene by using immunological or functional assays to detect the encoded protein; (2) produce large amounts of proteins of biological interest that are normally available in only limited quantities from natural sources; (3) to study the biosynthesis and intracellular transport of proteins following their expression in various cell types; and (4) to elucidate structure-function relationships by analyzing the properties of normal and mutant proteins.

This is a provisional obviousness-type double patenting rejection.

12. All other objections and rejections recited in January 10, 2008 are withdrawn.
13. No claims allowed.

Art Unit: 1643

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Reddig whose telephone number is (571) 272-9031. The examiner can normally be reached on M-F 8:30 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on (571) 272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter J Reddig/

Examiner, Art Unit 1642

/P. J. R./

/Karen A Canella/

Primary Examiner, Art Unit 1643

Art Unit: 1643

Appendix 1.

LOCUS AF361486 5797 bp mRNA linear PRI 20-JUL-2001
 DEFINITION Homo sapiens mucin 16 (MUC16) mRNA, partial cds.
 ACCESSION AF361486
 VERSION AF361486.1 GI:14971109
 KEYWORDS .
 SOURCE Homo sapiens (human)
 ORGANISM Homo sapiens
 Eukaryota; Metazoa; Chordata; Craniata; Vertebrata; Euteleostomi;
 Mammalia; Eutheria; Primates; Catarrhini; Hominidae; Homo.
 REFERENCE 1 (bases 1 to 5797)
 AUTHORS Yin,B.W. and Lloyd,K.O.
 TITLE Molecular cloning of the ca125 ovarian cancer antigen.
 identification as a new mucin, muc16
 JOURNAL J. Biol. Chem. 276 (29), 27371-27375 (2001)
 PUBMED 11369781
 REFERENCE 2 (bases 1 to 5797)
 AUTHORS Lloyd,K.O. and Yin,B.W.T.
 TITLE Direct Submission
 JOURNAL Submitted (15-MAR-2001) Sloan-Kettering Institute for Cancer
 Research, 1275 York Ave., New York, NY 10021, USA
 COMMENT [WARNING] On Aug 26, 2003 this sequence was replaced by
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Art Unit: 1643

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ORIGIN


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Art Unit: 1643

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sp|Q8WXI7.2|MUC16_HUMAN  Mucin-16 (Ovarian carcinoma antigen CA125) (Ovarian cancer-related
tumor marker CA125) (CA-125)

Score = 3693 bits (9577), Expect = 0.0, Method: Compositional matrix adjust.
Identities = 1845/1890 (97%), Positives = 1846/1890 (97%), Gaps = 0/1890 (0%)

Art Unit: 1643

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Sbjct	20323	TSGTPSS P TAPVPLLPFTLNFTITNLHYEENMQHPGSRKFNTTERVLQGLLKP XXGTSGTPSSXPXTAPVPLLPFTLNFTITNLHYEENMQHPGSRKFNTTERVLQGLLKP	20382
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Sbjct	20383	LFKSTSVGPLYSGCRLTLLRPEKHGAATGVDAICTLRDPTGPGLDRERLYWELSQLTNS LFKSTSVGPLYSGCRLTLLRPEKHGAATGVDAICTLRDPTGPGLDRERLYWELSQLTNS	20442
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Sbjct	20923	SLYVNGFTQRSSVPTTSTPGTFTVQPETSETPSSLPGPTATGPVLLPFTLNFTIINLQYE SLYVNGFTQRSSVPTTSTPGTFTVQPETSETPSSLPGPTATGPVLLPFTLNFTIINLQYE	20982
Query	721	EDMHRPGSRKFNTTERVLQGLLMPFLKNTSVSSLYSGCRLTLLRPEKDGAATRVDAVCTH	780
Sbjct	20983	EDMHRPGSRKFNTTERVLQGLLMPFLKNTSVSSLYSGCRLTLLRPEKDGAATRVDAVCTH EDMHRPGSRKFNTTERVLQGLLMPFLKNTSVSSLYSGCRLTLLRPEKDGAATRVDAVCTH	21042
Query	781	RPDPKSPGLDRERLYWKLSQLTHGITELGPYTLDRHSLYVNGFTHQSSMTTTRTPDTSTM	840
Sbjct	21043	RPDPKSPGLDRERLYWKLSQLTHGITELGPYTLDRHSLYVNGFTHQSSMTTTRTPDTSTM RPDPKSPGLDRERLYWKLSQLTHGITELGPYTLDRHSLYVNGFTHQSSMTTTRTPDTSTM	21102
Query	841	HLATSRTPASLSGPTTASPLLVLFITINFTITNLRYEENMHHPGSRKFNTTERVLQGLLRP	900
Sbjct	21103	HLATSRTPASLSGPTTASPLLVLFITINFTITNLRYEENMHHPGSRKFNTTERVLQGLLRP HLATSRTPASLSGPTTASPLLVLFITINFTITNLRYEENMHHPGSRKFNTTERVLQGLLRP	21162

Art Unit: 1643

Query	901	VFKNTSVGPLYSGCRLTLLRPKKDGAATKVDAICTYRPDPKSPGLDREQLYWELSQLTHS	960
Sbjct	21163	VFKNTSVGPLYSGCRLTLLRPKKDGAATKVDAICTYRPDPKSPGLDREQLYWELSQLTHS	21222
Query	961	ITELGPYTLDRDSDLYVNGFTQRSSVPTTSSIPGTPTVDLGTSGTPVSKPGPSAASPLLVLV	1020
Sbjct	21223	ITELGPYTLDRDSDLYVNGFTQRSSVPTTSSIPGTPTVDLGTSGTPVSKPGPSAASPLLVLV	21282
Query	1021	TLNFTITNLRYEENMQHPGSRKFNTTTERVLQGLLRSLFKSTSVGPLYSGCRLTLLRPEKD	1080
Sbjct	21283	TLNFTITNLRYEENMQHPGSRKFNTTTERVLQGLLRSLFKSTSVGPLYSGCRLTLLRPEKD	21342
Query	1081	GTATGVDAICTHHPDPKSPRLDREQLYWELSQLTHNITELGPYALDNDLSLVNGFTHRSS	1140
Sbjct	21343	GTATGVDAICTHHPDPKSPRLDREQLYWELSQLTHNITELG YALDNDLSLVNGFTHRSS	21402
Query	1141	VSTTSTPGTPTVYLGASKTPASIFGPSAASHLLILFTLNFTITNLRYEENMWPGSRKFNT	1200
Sbjct	21403	VSTTSTPGTPTVYLGASKTPASIFGPSAASHLLILFTLNFTITNLRYEENMWPGSRKFNT	21462
Query	1201	TERVLQGLLRPLFKNTSVGPLYSGCRLTLLRPEKDGEATGVDAICTHRPDPTGPGLDREQ	1260
Sbjct	21463	TERVLQGLLRPLFKNTSVGPLYSGSRLTLLRPEKDGEATGVDAICTHRPDPTGPGLDREQ	21522
Query	1261	LYLELSQLTHSITELGPYTLDRDSDLYVNGFTHRSSVPTTSTGVVSEEPFTLNFTINNLR	1320
Sbjct	21523	LYLELSQLTHSITELGPYTLDRDSDLYVNGFTHRSSVPTTSTGVVSEEPFTLNFTINNLR	21582
Query	1321	MADMGPQGSCLKFNITDNVMQHLLSPLFQRSSLGARYTGCRVIALRSVKNGAETRVDLLCT	1380
Sbjct	21583	MADMGPQGSCLKFNITDNVMQHLLSPLFQRSSLGARYTGCRVIALRSVKNGAETRVDLLCT	21642
Query	1381	YLQPLSGPGLPIKQVFHELSQLTHGITRLGPYSLDKDSLYLNGYNEPGDEPPTTPKPAT	1440
Sbjct	21643	YLQPLSGPGLPIKQVFHELSQLTHGITRLGPYSLDKDSLYLNGYNEPG DEPPTTPKPAT	21702
Query	1441	TFLPPLSEATTAMGYHLKTLTLNFTISNLQYSPDMGKSATFNSTEGVLQHLLRPLFQKS	1500
Sbjct	21703	TFLPPLSEATTAMGYHLKTLTLNFTISNLQYSPDMGKSATFNSTEGVLQHLLRPLFQKS	21762
Query	1501	SMGPFYLGCLISLRPEKDGAATGVDTTCTYHPDPVPGGLDIQQLYWELSQLTHGVTQLG	1560
Sbjct	21763	SMGPFYLGCLISLRPEKDGAATGVDTTCTYHPDPVPGGLDIQQLYWELSQLTHGVTQLG	21822
Query	1561	FYVLDRDLSLFINGYAPQNLISIRGEYQINFHIVNWNLSNPDPTSSEYITLLRDIQDKVTTL	1620
Sbjct	21823	FYVLDRDLSLFINGYAPQNLISIRGEYQINFHIVNWNLSNPDPTSSEYITLLRDIQDKVTTL	21882
Query	1621	YKGSQLHDTFRFCLVTNLTMDSVLVTVKALFSSNLDPSLVEQVFLDKTLNASFHWLGSTY	1680
Sbjct	21883	YKGSQLHDTFRFCLVTNLTMDSVLVTVKALFSSNLDPSLVEQVFLDKTLNASFHWLGSTY	21942
Query	1681	QLVDIHVTEMESSVYQPTSSSSSTQHFPNFTITNLPYSQDKAQPGTTNYQRNKRNIEDAL	1740
Sbjct	21943	QLVDIHVTEMESSVYQPTSSSSSTQHFPNFTITNLPYSQDKAQPGTTNYQRNKRNIEDAL	22002
Query	1741	NQLFRNSSIKSYFSDCQVSTFRSVPNRHHTGVDSLCNFSPLARRVDRVAIYEEFLMRTRN	1800
Sbjct	22003	NQLFRNSSIKSYFSDCQVSTFRSVPNRHHTGVDSLCNFSPLARRVDRVAIYEEFLMRTRN	22062

Art Unit: 1643

Query	1801	GTQLQNFTLDRSSVLVDGYSPNRNEPLTGNSDLPPFWAVILIGLAGLLGLITCLICGVLVT	1860
		GTQLQNFTLDRSSVLVDGYSPNRNEPLTGNSDLPPFWAVILIGLAGLLGLITCLICGVLVT	
Sbjct	22063	GTQLQNFTLDRSSVLVDGYSPNRNEPLTGNSDLPPFWAVILIGLAGLLGLITCLICGVLVT	22122
Query	1861	TRRRKKEGEYNVQQQCPGYYSQSHLDLEDLQ	1890
		TRRRKKEGEYNVQQQCPGYYSQSHLDLEDLQ	
Sbjct	22123	TRRRKKEGEYNVQQQCPGYYSQSHLDLEDLQ	22152

Appendix 2

A. Alignment of amino acids 1-1000 of SEQ ID NO: 5 to the sequences of Venter et al.

AFS98121

ID AFS98121 standard; DNA; 7521 BP.

XX

AC AFS98121;

XX

DT 20-SEP-2007 (first entry)

XX

DE Human transcript sequence, SEQ ID 17520.

XX

KW DNA detection; RNA detection; exon; ds.

XX

OS Homo sapiens.

XX

PN WO200268579-A2.

XX

PD 06-SEP-2002.

XX

PF 10-JAN-2002; 2002WO-US000284.

XX

PR 10-JAN-2001; 2001US-00756696.

XX

PA (PEKE) PE CORP NY.

XX

PI Venter CJ, Adams M, Li PWD, Myers EW;

XX

DR WPI; 2002-682812/73.

XX

PT New isolated nucleic acid detection reagent for detecting the presence of specified human exons.

XX

PS Claim 4; SEQ ID NO 17520; 40pp; English.

XX

CC The present invention relates to a novel isolated nucleic acid detection
 CC reagent for detecting the presence of specified human exons. The exon
 CC sequences cover every identified human transcript and exon comprising
 CC every gene/coding region of the human genome. The present sequence is one
 CC such exon sequence. The nucleic acid detection agent is used for
 CC detecting the presence of at least 100000, at least 2000, at least 50000
 CC or at least 10000 human exons. The sequences that span exon-exon
 CC junctions eliminate false signals caused by genomic contamination. This
 CC is because a detection element comprising two neighboring exons as one
 CC contiguous sequence will not hybridize to genomic DNA comprising
 CC intervening intronic DNA. These detection elements will only hybridize to
 CC expressed mRNA transcripts in which the exons are connected and the
 CC intronic sequence has been removed, therefore forming one contiguous

Art Unit: 1643

CC stretch of sequence corresponding to the sequence of the detection
CC element that spans the exon-exon junction.

XX

SQ Sequence 7521 BP; 2172 A; 2277 C; 1433 G; 1639 T; 0 U; 0 Other;

Alignment Scores:

Pred. No.:	2.6e-154	Length:	7521
Score:	4899.00	Matches:	980
Percent Similarity:	100.0%	Conservative:	0
Best Local Similarity:	100.0%	Mismatches:	0
Query Match:	98.0%	Indels:	0
DB:	7	Gaps:	0

US-10-715-066A-5_COPY_1_1000 (1-1000) x AFS98121 (1-7521)

Qy	21	SerArgSerThrLysAlaThrProGluMetAspSerGlyLeuThrGlyAlaThrLeuSer	40
Db	3	AGCAGGAGCACTAAAGCCACACCAGAAATGGATTGAGGACTGACAGGAGCCACCTTGTC	62
Qy	41	ProLysThrSerThrGlyAlaIleValValThrGluHisThrLeuProPheThrSerPro	60
Db	63	CCTAAGACATCTACAGGTGCAATCGTGGTGACAGAACATACTCTGCCCTTTACTTCCCCA	122
Qy	61	AspLysThrLeuAlaSerProThrSerSerValValGlyArgThrThrGlnSerLeuGly	80
Db	123	GATAAGACCTTGGCCAGTCCTACATCTTCGGTTGTGGGAAGAACCCAGTCTTTGGGG	182
Qy	81	ValMetSerSerAlaLeuProGluSerThrSerArgGlyMetThrHisSerGluGlnArg	100
Db	183	GTGATGTCCTTGCTCTCCCTGAGTCAACCTCTAGAGGAATGACACACTCCGAGCAAAGA	242
Qy	101	ThrSerProSerLeuSerProGlnValAsnGlyThrProSerArgAsnTyrProAlaThr	120
Db	243	ACCAGCCCATCGCTGAGTCCCCAGGTCAATGGAACTCCCTCTAGGAACTACCCTGCTACA	302
Qy	121	SerMetValSerGlyLeuSerSerProArgThrArgThrSerSerThrGluGlyAsnPhe	140
Db	303	AGCATGGTTTCAGGATTGAGTTCCTCAAGGACCAGGACCAGTTCCACAGAAGGAAATTTT	362
Qy	141	ThrLysGluAlaSerThrTyrThrLeuThrValGluThrThrSerGlyProValThrGlu	160
Db	363	ACCAAAGAAGCATCTACATACACTCACTGTAGAGACCACAAGTGGCCAGTCACTGAG	422
Qy	161	LysTyrThrValProThrGluThrSerThrThrGluGlyAspSerThrGluThrProTrp	180
Db	423	AAGTACACAGTCCCCACTGAGACCTCAACAACCTGAAGGTGACAGCACAGAGACCCCTGG	482
Qy	181	AspThrArgTyrIleProValLysIleThrSerProMetLysThrPheAlaAspSerThr	200
Db	483	GACACAAGATATATTCTGTAAAAATCACATCTCCAATGAAAACATTTGCAGATTCAACT	542
Qy	201	AlaSerLysGluAsnAlaProValSerMetThrProAlaGluThrThrValThrAspSer	220
Db	543	GCATCCAAGGAAAATGCCCCAGTGTCTATGACTCCAGCTGAGACCACAGTTACTGACTCA	602
Qy	221	HisThrProGlyArgThrAsnProSerPheGlyThrLeuTyrSerSerPheLeuAspLeu	240
Db	603	CATACTCCAGGAAGGACAAACCATCATTGGGACACTTTATTCTTCCTTCCTTGACCTA	662
Qy	241	SerProLysGlyThrProAsnSerArgGlyGluThrSerLeuGluLeuIleLeuSerThr	260

Art Unit: 1643

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      |||
Db      663 TCACCTAAAGGGACCCCAAATTCCAGAGGTGAAACAAGCCTGGAAGTCTATCAACC 722
Qy      261 ThrGlyTyrProPheSerSerProGluProGlySerAlaGlyHisSerArgIleSerThr 280
      |||
Db      723 ACTGGATATCCCTTCTCCTCTCCTGAACCTGGCTCTGCAGGACACAGCAGAATAAGTACC 782
Qy      281 SerAlaProLeuSerSerSerAlaSerValLeuAspAsnLysIleSerGluThrSerIle 300
      |||
Db      783 AGTGCGCCTTTGTCATCATCTGCTTCAGTTCGATAATAAAATATCAGAGACCAGCATA 842
Qy      301 PheSerGlyGlnSerLeuThrSerProLeuSerProGlyValProGluAlaArgAlaSer 320
      |||
Db      843 TTCTCAGGCCAGAGTCTCACCTCCCCTCTGTCTCCTGGGGTGCCCAGGCCAGAGCCAGC 902
Qy      321 ThrMetProAsnSerAlaIleProPheSerMetThrLeuSerAsnAlaGluThrSerAla 340
      |||
Db      903 ACAATGCCCAACTCAGCTATCCCTTTTCCATGACACTAAGCAATGCAGAAACAAGTGCC 962
Qy      341 GluArgValArgSerThrIleSerSerLeuGlyThrProSerIleSerThrLysGlnThr 360
      |||
Db      963 GAAAGGGTCAGAAGCACAAATTCTCTCTGGGGACTCCATCAATATCCACAAAGCAGACA 1022
Qy      361 AlaGluThrIleLeuThrPheHisAlaPheAlaGluThrMetAspIleProSerThrHis 380
      |||
Db      1023 GCAGAGACTATCCTTACCTTCCATGCCTTCGCTGAGACCATGGATATACCCAGCACCCAC 1082
Qy      381 IleAlaLysThrLeuAlaSerGluTrpLeuGlySerProGlyThrLeuGlyGlyThrSer 400
      |||
Db      1083 ATAGCCAAGACTTTGGCTTCAGAAATGGTTGGGAAGTCCAGGTACCCTTGGTGGCACCAGC 1142
Qy      401 ThrSerAlaLeuThrThrThrSerProSerThrThrLeuValSerGluGluThrAsnThr 420
      |||
Db      1143 ACTTCAGCGCTGACAACCACATCTCCATCTACCACTTTAGTCTCAGAGGAGACCAACACC 1202
Qy      421 HisHisSerThrSerGlyLysGluThrGluGlyThrLeuAsnThrSerMetThrProLeu 440
      |||
Db      1203 CATCACTCCACGAGTGGAAGGAGACAGAAGGAACCTTGAATACATCTATGACTCCACTT 1262
Qy      441 GluThrSerAlaProGlyGluGluSerGluMetThrAlaThrLeuValProThrLeuGly 460
      |||
Db      1263 GAGACCTCTGCTCCTGGAGAAGAGTCCGAAATGACTGCCACCTTGGTCCCCACTCTAGGT 1322
Qy      461 PheThrThrLeuAspSerLysIleArgSerProSerGlnValSerSerSerHisProThr 480
      |||
Db      1323 TTTACAACCTTGACAGCAAGATCAGAAGTCCATCTCAGGTCTCTTCATCCACCCAACA 1382
Qy      481 ArgGluLeuArgThrThrGlySerThrSerGlyArgGlnSerSerSerThrAlaAlaHis 500
      |||
Db      1383 AGAGAGCTCAGAACCACAGGCAGCACCTCTGGGAGGCAGAGTTCCAGCACAGCTGCCCCAC 1442
Qy      501 GlySerSerAspIleLeuArgAlaThrThrSerSerThrSerLysAlaSerSerTrpThr 520
      |||
Db      1443 GGGAGCTCTGACATCCTGAGGGCAACCACTTCCAGCACCTCAAAGCATCATCATGGACC 1502
Qy      521 SerGluSerThrAlaGlnGlnPheSerGluProGlnHisThrGlnTrpValGluThrSer 540
      |||
Db      1503 AGTGAAAGCACAGCTCAGCAATTTAGTGAACCCAGCACACACAGTGGGTGGAGACAAGT 1562
Qy      541 ProSerMetLysThrGluArgProProAlaSerThrSerValAlaAlaProIleThrThr 560
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Art Unit: 1643

Db	1563	 CCTAGCATGAAAACAGAGAGACCCCCAGCATCAACCAAGTGTGGCAGCCCCTATCACCACT	1622
Qy	561	SerValProSerValValSerGlyPheThrThrLeuLysThrSerSerThrLysGlyIle	580
Db	1623	 TCTGTTCCCTCAGTGGTCTCTGGCTTCACCACCCTGAAGACCAGCTCCACAAAAGGGATT	1682
Qy	581	TrpLeuGluGluThrSerAlaAspThrLeuIleGlyGluSerThrAlaGlyProThrThr	600
Db	1683	 TGGCTTGAAGAAACATCTGCAGACACACTCATCGGAGAATCCACAGCTGGCCCAACCACC	1742
Qy	601	HisGlnPheAlaValProThrGlyIleSerMetThrGlyGlySerSerThrArgGlySer	620
Db	1743	 CATCAGTTTGTCTGTTCCCACTGGGATTTCAATGACAGGAGGCAGCAGCACCAGGGGAAGC	1802
Qy	621	GlnGlyThrThrHisLeuLeuThrArgAlaThrAlaSerSerGluThrSerAlaAspLeu	640
Db	1803	 CAGGGCACAAACCCACCTACTCACCAGAGCCACAGCATCATCTGAGACATCCGCAGATTTG	1862
Qy	641	ThrLeuAlaThrAsnGlyValProValSerValSerProAlaValSerLysThrAlaAla	660
Db	1863	 ACTCTGGCCACGAACGGTGTCCAGTCTCCGTGTCTCCAGCAGTGAGCAAGACGGCTGCT	1922
Qy	661	GlySerSerProProGlyGlyThrLysProSerTyrThrMetValSerSerValIlePro	680
Db	1923	 GGCTCAAGTCCTCCAGGAGGGACAAAGCCATCATATACAATGGTTTCTTCTGTCTATCCCT	1982
Qy	681	GluThrSerSerLeuGlnSerSerAlaPheArgGluGlyThrSerLeuGlyLeuThrPro	700
Db	1983	 GAGACATCATCTCTACAGTCCCTCAGCTTTCAGGGAAGGAACCAGCCTGGGACTGACTCCA	2042
Qy	701	LeuAsnThrArgHisProPheSerSerProGluProAspSerAlaGlyHisThrLysIle	720
Db	2043	 TTAAACACTAGACATCCCTTCTCTTCCCCTGAACCAGACTCTGCAGGACACACCAAGATA	2102
Qy	721	SerThrSerIleProLeuLeuSerSerAlaSerValLeuGluAspLysValSerAlaThr	740
Db	2103	 AGCACCAGCATTCCCTCTGTTGTCTATCTGCTTCAGTTCTTGAGGATAAAGTGTGAGCGACC	2162
Qy	741	SerThrPheSerHisHisLysAlaThrSerSerIleThrThrGlyThrProGluIleSer	760
Db	2163	 AGCACATTCTCACACCACAAAGCCACCTCATCTATTACCACAGGGACTCCTGAAATCTCA	2222
Qy	761	ThrLysThrLysProSerSerAlaValLeuSerSerMetThrLeuSerAsnAlaAlaThr	780
Db	2223	 ACAAAGACAAAGCCCAGCTCAGCCGTTCTTTCTCCATGACCCTAAGCAATGCAGCAACA	2282
Qy	781	SerProGluArgValArgAsnAlaThrSerProLeuThrHisProSerProSerGlyGlu	800
Db	2283	 AGTCCTGAAAGAGTCAGAAATGCAACTTCCCTCTGACTCATCCATCTCCATCAGGGGAA	2342
Qy	801	GluThrAlaGlySerValLeuThrLeuSerThrSerAlaGluThrThrAspSerProAsn	820
Db	2343	 GAGACAGCAGGGAGTGTCTCACTCTCAGCACCTCTGCTGAGACTACAGACTCACCTAAC	2402
Qy	821	IleHisProThrGlyThrLeuThrSerGluSerSerGluSerProSerThrLeuSerLeu	840
Db	2403	 ATCCACCCAACTGGGACACTGACTTCAGAATCGTCAGAGAGTCCTAGCACTCTCAGCCTC	2462
Qy	841	ProSerValSerGlyValLysThrThrPheSerSerSerThrProSerThrHisLeuPhe	860

Art Unit: 1643

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      |||
Db      2463 CCAAGTGTCTCTGGAGTCAAAACCACATTTTCTTCATCTACTCCTTCCACTCATCTATTT 2522
      |||
Qy      861 ThrSerGlyGluGluThrGluGluThrSerAsnProSerValSerGlnProGluThrSer 880
      |||
Db      2523 ACTAGTGGAGAAGAAACAGAGGAAACTTCGAATCCATCTGTGTCTCAACCTGAGACTTCT 2582
      |||
Qy      881 ValSerArgValArgThrThrLeuAlaSerThrSerValProThrProValPheProThr 900
      |||
Db      2583 GTTTCAGAGTAAGGACCACCTTGGCCAGCACCTCTGTCCCTACCCAGTATTCCCCACC 2642
      |||
Qy      901 MetAspThrTrpProThrArgSerAlaGlnPheSerSerSerHisLeuValSerGluLeu 920
      |||
Db      2643 ATGGACACCTGGCCTACACGTTTCAGCTCAGTTCTCTTCATCCACCTAGTGAGTGAGCTC 2702
      |||
Qy      921 ArgAlaThrSerSerThrSerValThrAsnSerThrGlySerAlaLeuProLysIleSer 940
      |||
Db      2703 AGAGCTACGAGCAGTACCTCAGTTACAACTCAACTGGTTCAGCTCTTCCTAAATATCT 2762
      |||
Qy      941 HisLeuThrGlyThrAlaThrMetSerGlnThrAsnArgAspThrPheAsnAspSerAla 960
      |||
Db      2763 CACCTCACTGGGACGGCAACAATGTACAGACCAATAGAGACACGTTTAATGACTCTGCT 2822
      |||
Qy      961 AlaProGlnSerThrThrTrpProGluThrSerProArgPheLysThrGlyLeuProSer 980
      |||
Db      2823 GCACCCCAAAGCACAACTTGGCCAGAGACTAGTCCAGATTCAAGACAGGGTTACCTTCA 2882
      |||
Qy      981 AlaThrThrThrValSerThrSerAlaThrSerLeuSerAlaThrValMetValSerLys 1000
      |||
Db      2883 GCAACAACCACTGTTTCAACCTCTGCCACTTCTCTCTGCTACTGTAATGGTCTCTAAA 2942

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B. Alignment of amino acids 10,000-12,000 of SEQ ID NO: 5 to the sequences of Venter et al.

AFT04373

ID AFT04373 standard; DNA; 25080 BP.

XX

AC AFT04373;

XX

DT 20-SEP-2007 (first entry)

XX

DE Human transcript sequence, SEQ ID 23771.

XX

KW DNA detection; RNA detection; exon; ds.

XX

OS Homo sapiens.

XX

PN WO200268579-A2.

XX

PD 06-SEP-2002.

XX

PF 10-JAN-2002; 2002WO-US000284.

XX

PR 10-JAN-2001; 2001US-00756696.

XX

PA (PEKE) PE CORP NY.

XX

PI Venter CJ, Adams M, Li PWD, Myers EW;

XX

DR WPI; 2002-682812/73.

Art Unit: 1643

XX
PT New isolated nucleic acid detection reagent for detecting the presence of
PT specified human exons.
XX
PS Claim 4; SEQ ID NO 23771; 40pp; English.
XX
CC The present invention relates to a novel isolated nucleic acid detection
CC reagent for detecting the presence of specified human exons. The exon
CC sequences cover every identified human transcript and exon comprising
CC every gene/coding region of the human genome. The present sequence is one
CC such exon sequence. The nucleic acid detection agent is used for
CC detecting the presence of at least 100000, at least 2000, at least 50000
CC or at least 10000 human exons. The sequences that span exon-exon
CC junctions eliminate false signals caused by genomic contamination. This
CC is because a detection element comprising two neighboring exons as one
CC contiguous sequence will not hybridize to genomic DNA comprising
CC intervening intronic DNA. These detection elements will only hybridize to
CC expressed mRNA transcripts in which the exons are connected and the
CC intronic sequence has been removed, therefore forming one contiguous
CC stretch of sequence corresponding to the sequence of the detection
CC element that spans the exon-exon junction.
XX
SQ Sequence 25080 BP; 6952 A; 7729 C; 4583 G; 5816 T; 0 U; 0 Other;

Alignment Scores:

Pred. No.:	3.2e-266	Length:	25080
Score:	9274.50	Matches:	1870
Percent Similarity:	93.5%	Conservative:	0
Best Local Similarity:	93.5%	Mismatches:	8
Query Match:	92.8%	Indels:	123
DB:	7	Gaps:	1

US-10-715-066A-5_COPY_10000_12000 (1-2001) x AFT04373 (1-25080)

Qy	1	ThrLeuMetSerArgSerProGluAsnProSerTrpLysSerSerProPheValGluLys	20
Db	18568	ACTCTTATGAGTAGGAGTCCTGAAAATCCATCATGGAAGAGCTCTCCCTTTGTGGAAAAA	18627
Qy	21	ThrSerSerSerSerSerLeuLeuSerLeuProValThrThrSerProSerValSerSer	40
Db	18628	ACTAGCTCTTCATCTTCTCTGTTGTCCTTACCTGTCACGACCTCACCTTCTGTTTCTTCC	18687
Qy	41	ThrLeuProGlnSerIleProSerSerSerPheSerValThrSerLeuLeuThrProGly	60
Db	18688	ACATTACCGCAGAGTATCCCTTCCTCCTCTTTTTCTGTGACTTCACTCCTCACCCAGGC	18747
Qy	61	MetValLysThrThrAspThrSerThrGluProGlyThrSerLeuSerProAsnLeuSer	80
Db	18748	ATGGTGAAGACTACAGACACAAGCACAGAACCTGGAACCAGTTTATCTCCAAATCTGAGT	18807
Qy	81	GlyThrSerValGluIleLeuAlaAlaSerGluValThrThrAspThrGluLysIleHis	100
Db	18808	GGCACCTCAGTTGAAATACTGGCTGCCTCTGAAGTCACCACAGATACAGAGAAAATTCAT	18867
Qy	101	ProSerSerSerMetAlaValThrAsnValGlyThrThrSerSerGlyHisGluLeuTyr	120
Db	18868	CCTTCTTCAAGCATGGCAGTGACCAATGTGGGAACCACAGTTCTGGACATGAACTATAT	18927
Qy	121	SerSerValSerIleHisSerGluProSerLysAlaThrTyrProValGlyThrProSer	140

Db	18928	TCCTCTGTTTTCAATCCACTCGGAGCCATCCAAGGCTACATACCCAGTGGGTACTCCCTCT	18987
Qy	141	SerMetAlaGluThrSerIleSerThrSerMetProAlaAsnPheGluThrThrGlyPhe	160
Db	18988	TCCATGGCTGAAACCTCTATTTCCACATCAATGCCTGCTAATTTTGAGACCACAGGATTT	19047
Qy	161	GluAlaGluProPheSerHisLeuThrSerGlyPheArgLysThrAsnMetSerLeuAsp	180
Db	19048	GAGGCTGAGCCATTTTCTCATTTGACTTCTGGACTTAGGAAGACCAACATGTCCTTGAC	19107
Qy	181	ThrSerSerValThrProThrAsnThrProSerSerProGlySerThrHisLeuLeuGln	200
Db	19108	ACCAGCTCAGTCACACCAACAAATACACCTTCTTCTCCTGGGTCCACTCACCTTTTACAG	19167
Qy	201	SerSerLysThrAspPheThrSerSerAlaLysThrSerSerProAspTrpProProAla	220
Db	19168	AGTTCCAAGACTGATTTCACTCTTCTGCAAAACATCATCCCCAGACTGGCTCCAGCC	19227
Qy	221	SerGlnTyrThrGluIleProValAspIleIleThrProPheAsnAlaSerProSerIle	240
Db	19228	TCACAGTATACTGAAATTCCAGTGGACATAATCACCCCTTTAATGCTTCTCCATCTATT	19287
Qy	241	ThrGluSerThrGlyIleThrSerPheProGluSerArgPheThrMetSerValThrGlu	260
Db	19288	ACGGAGTCCACTGGGATAACCTCCTTCCAGAATCCAGGTTTACTATGTCTGTAACAGAA	19347
Qy	261	SerThrHisHisLeuSerThrAspLeuLeuProSerAlaGluThrIleSerThrGlyThr	280
Db	19348	AGTACTCATCATCTGAGTACAGATTGCTGCCTTCAGCTGAGACTATTTCCACTGGCACA	19407
Qy	281	ValMetProSerLeuSerGluAlaMetThrSerPheAlaThrThrGlyValProArgAla	300
Db	19408	GTGATGCCTTCTCTATCAGAGGCCATGACTTCATTGCCACCACTGGAGTTCCACGAGCC	19467
Qy	301	IleSerGlySerGlySerProPheSerArgThrGluSerGlyProGlyAspAlaThrLeu	320
Db	19468	ATCTCAGGTTTCAGGA-----	19482
Qy	321	SerThrIleAlaGluSerLeuProSerSerThrProValProPheSerSerSerThrPhe	340

Db	19482	-----	19482
Qy	341	ThrThrThrAspSerSerThrIleProAlaLeuHisGluIleThrSerSerSerAlaThr	360

Db	19482	-----	19482
Qy	361	ProTyrArgValAspThrSerLeuGlyThrGluSerSerThrThrGluGlyArgLeuVal	380

Db	19482	-----	19482
Qy	381	MetValSerThrLeuAspThrSerSerGlnProGlyArgThrSerSerThrProIleLeu	400

Db	19482	-----	19482
Qy	401	AspThrArgMetThrGluSerValGluLeuGlyThrValThrSerAlaTyrGlnValPro	420

Db	19482	-----	19482
Qy	421	SerLeuSerThrArgLeuThrArgThrAspGlyIleMetGluHisIleThrLysIlePro	440

Art Unit: 1643

Db 19483 -----ACTGATGGCATTATGGAACACATCACAAAAATACCC 19518

Qy 441 AsnGluAlaAlaHisArgGlyThrIleArgProValLysGlyProGlnThrSerThrSer 460
|||||

Db 19519 AATGAAGCAGCACACAGAGGTACCATAAGACCAGTCAAAGGCCCTCAGACATCCACTTCG 19578

Qy 461 ProAlaSerProLysGlyLeuHisThrGlyGlyThrLysArgMetGluThrThrThrThr 480
|||||

Db 19579 CCTGCCAGTCCTAAAGGACTACACACAGGAGGGACAAAAAGAATGGAGACCACCACCACA 19638

Qy 481 AlaLeuLysThrThrThrThrAlaLeuLysThrThrSerArgAlaThrLeuThrThrSer 500
|||||

Db 19639 GCTCTGAAGACCACCACCACAGCTCTGAAGACCCTTCCAGAGCCACCTTGACCACCAGT 19698

Qy 501 ValTyrThrProThrLeuGlyThrLeuThrProLeuAsnAlaSerArgGlnMetAlaSer 520
|||||

Db 19699 GTCTATACTCCCACCTTTGGGAACACTGACTCCCCTCAATGCATCAATGCAAATGGCCAGC 19758

Qy 521 ThrIleLeuThrGluMetMetIleThrThrProTyrValPheProAspValProGluThr 540
|||||

Db 19759 ACAATCCCCACAGAAATGATGATCACAAACCCATATGTTTTCCCTGATGTTCCAGAAACG 19818

Qy 541 ThrSerSerLeuAlaThrSerLeuGlyAlaGluThrSerThrAlaLeuProArgThrThr 560
|||||

Db 19819 ACATCCTCATTGGCTACCAGCCTGGGAGCAGAAACCAGCACAGCTCTTCCAGGACAACC 19878

Qy 561 ProSerValLeuAsnArgGluSerGluThrThrAlaSerLeuValSerArgSerGlyAla 580
|||||

Db 19879 CCATCTGTTTTCAATAGAGAATCAGAGACCACAGCCTCACTGGTCTCTCGTTCTGGGGCA 19938

Qy 581 GluArgSerProValIleGlnThrLeuAspValSerSerSerGluProAspThrThrAla 600
|||||

Db 19939 GAGAGAAGTCCGGTTATTCAAACCTCTAGATGTTTCTTCTAGTGAGCCAGATACAACAGCT 19998

Qy 601 SerTrpValIleHisProAlaGluThrIleProThrValSerLysThrThrProAsnPhe 620
|||||

Db 19999 TCATGGGTTATCCATCCTGCAGAGACCATCCCAACTGTTTCCAAGACAACCCCCAATTTT 20058

Qy 621 PheHisSerGluLeuAspThrValSerSerThrAlaThrSerHisGlyAlaAspValSer 640
|||||

Db 20059 TTCCACAGTGAATTAGACACTGTATCTTCCACAGCCACCAGTCATGGGGCAGACGTCAGC 20118

Qy 641 SerAlaIleProThrAsnIleSerProSerGluLeuAspAlaLeuThrProLeuValThr 660
|||||

Db 20119 TCAGCCATTCCAACAAATATCTCACCTAGTGAAGTAGATGCACTGACCCCACTGGTCACT 20178

Qy 661 IleSerGlyThrAspThrSerThrThrPheProThrLeuThrLysSerProHisGluThr 680
|||||

Db 20179 ATTTCTGGGGACAGATACTAGTACAACATTCCAACACTGACTAAGTCCCCACATGAAACA 20238

Qy 681 GluThrArgThrThrTrpLeuThrHisProAlaGluThrSerSerThrIleProArgThr 700
|||||

Db 20239 GAGACAAGAACCACATGGCTCACTCATCCTGCAGAGACCAGCTCAACTATTCCAGAACA 20298

Qy 701 IleProAsnPheSerHisHisGluSerAspAlaThrProSerIleAlaThrSerProGly 720
|||||

Db 20299 ATCCCCAATTTTCTCATCATGAATCAGATGCCACACCTTCAATAGCCACCAGTCCTGGG 20358

Qy 721 AlaGluThrSerSerAlaIleProIleMetThrValSerProGlyAlaGluAspLeuVal 740
|||||

Db	20359	GCAGAAACCAGTTCTCAGCTATTCCAATTATGACTGTCTCACCTGGTGCGAAGATCTGGTG	20418
Qy	741	ThrSerGlnValThrSerSerGlyThrAspArgAsnMetThrIleProThrLeuThrLeu	760
Db	20419	ACCTCACAGGTCAGTAGTTCTGGCACAGACAGAAATATGACTATTCCAACCTTTGACTCTT	20478
Qy	761	SerProGlyGluProLysThrIleAlaSerLeuValThrHisProGluAlaGlnThrSer	780
Db	20479	TCTCCTGGTGAACCAAAGACCATAGCCTCATTAGTCACCCATCCTGAAGCACAGACAAGT	20538
Qy	781	SerAlaIleProThrSerThrIleSerProAlaValSerArgLeuValThrSerMetVal	800
Db	20539	TCGGCCATTCCAACCTCAACTATCTCGCCTGCTGTATCACGGTTGGTGACCTCAATGGTC	20598
Qy	801	ThrSerLeuAlaAlaLysThrSerThrThrAsnArgAlaLeuThrAsnSerProGlyGlu	820
Db	20599	ACCAGTTTGGCGGCAAAGACAAGTACAATAATCGAGCTCTGACAAACTCCCCTGGTGAA	20658
Qy	821	ProAlaThrThrValSerLeuValThrHisProAlaGlnThrSerProThrValProTrp	840
Db	20659	CCAGCTACAACAGTTTCATTGGTCACGCATTCTGCACAGACCAGCCAACAGTTCCCTGG	20718
Qy	841	ThrThrSerIlePhePheHisSerLysSerAspThrThrProSerMetThrThrSerHis	860
Db	20719	ACAACCTCCATTTTTTTCCATAGTAAATCAGACACCACACCTTCAATGACCACCAGTCAT	20778
Qy	861	GlyAlaGluSerSerSerAlaValProThrProThrValSerThrGluValProGlyVal	880
Db	20779	GGGGCAGAATCCAGTTCAGCTGTTCCAACCTCCAACCTGTTTCAACTGAGGTACCAGGAGTA	20838
Qy	881	ValThrProLeuValThrSerSerArgAlaValIleSerThrThrIleProIleLeuThr	900
Db	20839	GTGACCCCTTTGGTCACCAGTTCTAGGGCAGTGATCAGTACAACCTATTCCAATTCTGACT	20898
Qy	901	LeuSerProGlyGluProGluThrThrProSerMetAlaThrSerHisGlyGluGluAla	920
Db	20899	CTTTCCTCTGGTGAACCAGAGACCACACCTTCAATGGCCACCAGTCATGGGGAAGAAGCC	20958
Qy	921	SerSerAlaIleProThrProThrValSerProGlyValProGlyValValThrSerLeu	940
Db	20959	AGTTCTGCTATTCCAACCTCCAACCTGTTTCACCTGGGGTACCAGGAGTGGTGACCTCTCTG	21018
Qy	941	ValThrSerSerArgAlaValThrSerThrThrIleProIleLeuThrPheSerLeuGly	960
Db	21019	GTCAGTAGTTCTAGGGCAGTGACTAGTACAACCTATTCCAATTCTGACTTTTTCTCTTGGT	21078
Qy	961	GluProGluThrThrProSerMetAlaThrSerHisGlyThrGluAlaGlySerAlaVal	980
Db	21079	GAACCAGAGACCACACCTTCAATGGCCACCAGTCATGGGACAGAAGCTGGCTCAGCTGTT	21138
Qy	981	ProThrValLeuProGluValProGlyMetValThrSerLeuValAlaSerSerArgAla	1000
Db	21139	CCAAC TGTTTTACCTGAGGTACCAGGAATGGTGACCTCTCTGGTTGCTAGTTCTAGGGCA	21198
Qy	1001	ValThrSerThrThrLeuProThrLeuThrLeuSerProGlyGluProGluThrThrPro	1020
Db	21199	GTAACCAGTACAACCTCTTCCAACCTCTGACTCTTCTCCTGGTGAACCAGAGACCACACCT	21258
Qy	1021	SerMetAlaThrSerHisGlyAlaGluAlaSerSerThrValProThrValSerProGlu	1040

Art Unit: 1643

Db	21259	TCAATGGCCACCAGTCATGGGGCAGAAGCCAGCTCAACTGTTCCAACTGTTTCACCTGAG	21318
Qy	1041	ValProGlyValValThrSerLeuValThrSerSerSerGlyValAsnSerThrSerIle	1060
Db	21319	GTACCAGGAGTGGTGACCTCTCTGGTCAGTCTTAGTGGAGTAAACAGTACAAGTATT	21378
Qy	1061	ProThrLeuIleLeuSerProGlyGluLeuGluThrThrProSerMetAlaThrSerHis	1080
Db	21379	CCAACTCTGATTCTTTCTCTGGTGAAGTAAACACACCTTCAATGGCCACCAGTCAT	21438
Qy	1081	GlyAlaGluAlaSerSerAlaValProThrProThrValSerProGlyValSerGlyVal	1100
Db	21439	GGGGCAGAAGCCAGCTCAGCTGTTCCAACTCCAACTGTTTCACCTGGGGTATCAGGAGTG	21498
Qy	1101	ValThrProLeuValThrSerSerArgAlaValThrSerThrThrIleProIleLeuThr	1120
Db	21499	GTGACCCCTCTGGTCACTAGTTCAGGGCAGTGACCAGTACAACCTATTCCAATTCTAACT	21558
Qy	1121	LeuSerSerSerGluProGluThrThrProSerMetAlaThrSerHisGlyValGluAla	1140
Db	21559	CTTTCTTCTAGTGAGCCAGAGACCACACCTTCAATGGCCACCAGTCATGGGGTAGAAGCC	21618
Qy	1141	SerSerAlaValLeuThrValSerProGluValProGlyMetValThrSerLeuValThr	1160
Db	21619	AGCTCAGCTGTTCTAACTGTTTCACCTGAGGTACCAGGAATGGTGACCTTTCTGGTCACT	21678
Qy	1161	SerSerArgAlaValThrSerThrThrIleProThrLeuThrIleSerSerAspGluPro	1180
Db	21679	AGTTCTAGAGCAGTAACCACTACAACCTATTCCAACCTCTGACTATTTCTTCTGATGAACCA	21738
Qy	1181	GluThrThrThrSerLeuValThrHisSerGluAlaLysMetIleSerAlaIleProThr	1200
Db	21739	GAGACCACAACCTTCATTGGTCACCCATTCTGAGGCAAAGATGATTTTCAGCCATTCCAACCT	21798
Qy	1201	LeuAlaValSerProThrValGlnGlyLeuValThrSerLeuValThrSerSerGlySer	1220
Db	21799	TTAGGTGTCTCCCTACTGTACAAGGGCTGGTGACTTCACTGGTCACTAGTTCTGGGTCA	21858
Qy	1221	GluThrSerAlaPheSerAsnLeuThrValAlaSerSerGlnProGluThrIleAspSer	1240
Db	21859	GAGACCAGTGCGTTTTCAAATCTAACTGTTGCCTCAAGTCAACCAGAGACCATAGACTCA	21918
Qy	1241	TrpValAlaHisProGlyThrGluAlaSerSerValValProThrLeuThrValSerThr	1260
Db	21919	TGGGTCGCTCATCCTGGGACAGAAGCAAGTTCTGTTGTTCCAACTTTGACTGTCTCCACT	21978
Qy	1261	GlyGluProPheThrAsnIleSerLeuValThrHisProAlaGluSerSerSerThrLeu	1280
Db	21979	GGTGAGCCGTTTACAAATATCTCATTGGTCACCCATCCTGCAGAGAGTAGCTCAACTCTT	22038
Qy	1281	ProArgThrThrSerArgPheSerHisSerGluLeuAspThrMetProSerThrValThr	1300
Db	22039	CCCAGGACAACCTCAAGGTTTTCCACAGTGAATTAGACACTATGCCTTCTACAGTCACC	22098
Qy	1301	SerProGluAlaGluSerSerSerAlaIleSerThrThrIleSerProGlyIleProGly	1320
Db	22099	AGTCCTGAGGCAGAATCCAGCTCAGCCATTTCAACAACCTATTTCACCTGGTATACCAGGT	22158
Qy	1321	ValLeuThrSerLeuValThrSerSerGlyArgAspIleSerAlaThrPheProThrVal	1340

Art Unit: 1643

Db	22159	GTGCTGACATCACTGGTCACTAGCTCTGGGAGAGACATCAGTGCAACTTTTCCAACAGTG	22218
Qy	1341	ProGluSerProHisGluSerGluAlaThrAlaSerTrpValThrHisProAlaValThr	1360
Db	22219	CCTGAGTCCCCACATGAATCAGAGGCAACAGCCTCATGGGTTACTCATCCTGCAGTCACC	22278
Qy	1361	SerThrThrValProArgThrThrProAsnTyrSerHisSerGluProAspThrThrPro	1380
Db	22279	AGCACAAACAGTTCCCAGGACAACCCCTAATTATTCTCATAGTGAACCAGACACCACACCA	22338
Qy	1381	SerIleAlaThrSerProGlyAlaGluAlaThrSerAspPheProThrIleThrValSer	1400
Db	22339	TCAATAGCCACCACTCTCTGGGGCAGAAGCCACTTCAGATTTTCCAACAATAACTGTCTCA	22398
Qy	1401	ProAspValProAspMetValThrSerGlnValThrSerSerGlyThrAspThrSerIle	1420
Db	22399	CCTGATGTACCAGATATGGTAACCTCACAGGTCCTAGTTCTGGGACAGACACCAGTATA	22458
Qy	1421	ThrIleProThrLeuThrLeuSerSerGlyGluProGluThrThrThrSerPheIleThr	1440
Db	22459	ACTATTCCAACCTCTGACTCTTTCTTCTGGTGAGCCAGAGACCACAACCTCATTTATCACC	22518
Qy	1441	TyrSerGluThrHisThrSerSerAlaIleProThrLeuProValSerProGlyAlaSer	1460
Db	22519	TATTCTGAGACACATACAAGTTCAGCCATTCCAACCTCTCCCTGTCTCCCCTGATGCATCA	22578
Qy	1461	LysMetLeuThrSerLeuValIleSerSerGlyThrAspSerThrThrThrPheProThr	1480
Db	22579	AAGATGCTGACCTCACTGGTCATCAGTTCTGGGACAGACAGCACTACAACCTTCCAACA	22638
Qy	1481	LeuThrGluThrProTyrGluProGluThrThrAlaIleGlnLeuIleHisProAlaGlu	1500
Db	22639	CTGACGGAGACCCCATATGAACCAGAGACAACAGCCATACAGCTCATTTCATCCTGCAGAG	22698
Qy	1501	ThrAsnThrMetValProArgThrThrProLysPheSerHisSerLysSerAspThrThr	1520
Db	22699	ACCAACACAATGGTTCAGGACAACCTCCCAAGTTTCCCATAGTAAGTCAGACACCACA	22758
Qy	1521	LeuProValAlaIleThrSerProGlyProGluAlaSerSerAlaValSerThrThrThr	1540
Db	22759	CTCCCACTAGCCATCACCAGTCTCTGGGCCAGAAGCCAGTTTCAGCTGTTTCAACGACAACT	22818
Qy	1541	IleSerProAspMetSerAspLeuValThrSerLeuValProSerSerGlyThrAspThr	1560
Db	22819	ATCTCACCTGATATGTCAGATCTGGTGACCTCACTGGTCCCTAGTTCTGGGACAGACACC	22878
Qy	1561	SerThrThrPheProThrLeuSerGluThrProTyrGluProGluThrThrAlaThrTrp	1580
Db	22879	AGTACAACCTTCCAACATTGAGTGAGACCCCATATGAACCAGAGACTACAGCCACGTGG	22938
Qy	1581	LeuThrHisProAlaGluThrSerThrThrValSerGlyThrIleProAsnPheSerHis	1600
Db	22939	CTCACTCATCCTGCAGAAACCAGCACAAACGGTTTCTGGGACAATTCCAACCTTTCCCAT	22998
Qy	1601	ArgGlySerAspThrAlaProSerMetValThrSerProGlyValAspThrArgSerGly	1620
Db	22999	AGGGGATCAGACACTGCACCCTCAATGGTCACCAGTCCTGGAGTAGACACGAGGTCAGGT	23058
Qy	1621	ValProThrThrThrIleProProSerIleProGlyValValThrSerGlnValThrSer	1640

Art Unit: 1643

Db 23059 GTTCCAAC TACAACCATCCCACCCAGTATACCAGGGGTAGTGACCTCACAGGTCAGTACTAGT 23118

Qy 1641 SerAlaThrAspThrSerThrAlaIleProThrLeuThrProSerProGlyGluProGlu 1660
|||||

Db 23119 TCTGCAACAGACACTAGTACAGCTATTCCAACCTTTGACTCCTTCTCCTGGTGAACCAGAG 23178

Qy 1661 ThrThrAlaSerSerAlaThrHisProGlyThrGlnThrGlyPheThrValProIleArg 1680
|||||

Db 23179 ACCACAGCCTCATCAGCTACCCATCCTGGGACACAGACTGGCTTCACTGTTCCAATTCGG 23238

Qy 1681 ThrValProSerSerGluProAspThrMetAlaSerTrpValThrHisProProGlnThr 1700
|||||

Db 23239 ACTGTTCCCTCTAGTGAGCCAGATACAATGGCTTCTGGGTCACTCATCTCCACAGACC 23298

Qy 1701 SerThrProValSerArgThrThrSerSerPheSerHisSerSerProAspAlaThrPro 1720
|||||

Db 23299 AGCACACCTGTTTCCAGAACAACCTCCAGTTTTTCCCATAGTAGTCCAGATGCCACACCT 23358

Qy 1721 ValMetAlaThrSerProArgThrGluAlaSerSerAlaValLeuThrThrIleSerPro 1740
|||||

Db 23359 GTAATGGCCACCAGTCTTAGGACAGAAGCCAGTTCAGCTGTACTGACAACAATCTCACCT 23418

Qy 1741 GlyAlaProGluMetValThrSerGlnIleThrSerSerGlyAlaAlaThrSerThrThr 1760
|||||

Db 23419 GGTGCACCAGAGATGGTGACTTCACAGATCACTAGTTCTGGGGCAGCAACCAGTACAAC 23478

Qy 1761 ValProThrLeuThrHisSerProGlyMetProGluThrThrAlaLeuLeuSerThrHis 1780
|||||

Db 23479 GTTCCAACCTTTGACTCATTCTCCTGGTATGCCAGAGACCACAGCCTTATTGAGCACCCAT 23538

Qy 1781 ProArgThrGluThrSerLysThrPheProAlaSerThrValPheProGlnValSerGlu 1800
|||||

Db 23539 CCCAGAACAGAGACAAGTAAACATTTCTGCTTCAACTGTGTTTCTCAAGTATCAGAG 23598

Qy 1801 ThrThrAlaSerLeuThrIleArgProGlyAlaGluThrSerThrAlaLeuProThrGln 1820
|||||

Db 23599 ACCACAGCCTCACTCACCATTAGACCTGGTGCAGAGACTAGCACAGCTCTCCCAACTCAG 23658

Qy 1821 ThrThrSerSerLeuPheThrLeuLeuValThrGlyThrSerArgValAspLeuSerPro 1840
|||||

Db 23659 ACAACATCCTCTCTCTTACCCTACTTGTAACCTGGAACCAGCAGAGTTGATCTAAGTCCA 23718

Qy 1841 ThrAlaSerProGlyValSerAlaLysThrAlaProLeuSerThrHisProGlyThrGlu 1860
|||||

Db 23719 ACTGCTTCACCTGGTGTCTTCTGCAAAAACAGCCCCACTTTCCACCCATCCAGGGACAGAA 23778

Qy 1861 ThrSerThrMetIleProThrSerThrLeuSerLeuGlyLeuLeuGluThrThrGlyLeu 1880
|||||

Db 23779 ACCAGCACAAATGATTCCAACCTCAACTCTTCCCTTGGTTTACTAGAGACTACAGGCTTA 23838

Qy 1881 LeuAlaThrSerSerSerAlaGluThrSerThrSerThrLeuThrLeuThrValSerPro 1900
|||||

Db 23839 CTGGCCACCAGCTCTTCAGCAGAGACCAGCAGAGTACTCTAACTCTGACTGTTTCCCT 23898

Qy 1901 AlaValSerGlyLeuSerSerAlaSerIleThrThrAspLysProGlnThrValThrSer 1920
|||||

Db 23899 GCTGTCTCTGGGCTTTCCAGTGCCTCTATAACAACCTGATAAGCCCCAACTGTGACCTCC 23958

Qy 1921 TrpAsnThrGluThrSerProSerValThrSerValGlyProProGluPheSerArgThr 1940
|||||

Art Unit: 1643

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Db      23959 TGGAAACACAGAAACCTCACCATCTGTAACCTCAGTTGGACCCCCAGAATTTTCCAGGACT 24018
QY      1941 ValThrGlyThrThrMetThrLeuIleProSerGluMetProThrProProLysThrSer 1960
          ||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      24019 GTCACAGGCACCACTATGACCTTGATACCATCAGAGATGCCAACACCACCTAAAACCAGT 24078
QY      1961 HisGlyGluGlyValSerProThrThrIleLeuArgThrThrMetValGluAlaThrAsn 1980
          ||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      24079 CATGGAGAAGGAGTGAGTCCAACCACTATCTTGAGAACTACAATGGTTGAAGCCACTAAT 24138
QY      1981 LeuAlaThrThrGlySerSerProThrValAlaLysThrThrThrThrPheAsnThrLeu 2000
          ||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      24139 TTAGCTACCACAGGTTCCAGTCCCCTGTGGCCAAGACAACAACCACCTTCAATACACTG 24198
QY      2001 Ala 2001
          |||
Db      24199 GCT 24201

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C. Alignment of amino acids 19,152-21,152 of SEQ ID NO: 5 to the sequences of Venter et al.

AFS86217

ID AFS86217 standard; DNA; 568 BP.

XX

AC AFS86217;

XX

DT 20-SEP-2007 (first entry)

XX

DE Human transcript sequence, SEQ ID 5616.

XX

KW DNA detection; RNA detection; exon; ds.

XX

OS Homo sapiens.

XX

PN WO200268579-A2.

XX

PD 06-SEP-2002.

XX

PF 10-JAN-2002; 2002WO-US000284.

XX

PR 10-JAN-2001; 2001US-00756696.

XX

PA (PEKE) PE CORP NY.

XX

PI Venter CJ, Adams M, Li PWD, Myers EW;

XX

DR WPI; 2002-682812/73.

XX

PT New isolated nucleic acid detection reagent for detecting the presence of specified human exons.

XX

PS Claim 4; SEQ ID NO 5616; 40pp; English.

XX

CC The present invention relates to a novel isolated nucleic acid detection
 CC reagent for detecting the presence of specified human exons. The exon
 CC sequences cover every identified human transcript and exon comprising
 CC every gene/coding region of the human genome. The present sequence is one
 CC such exon sequence. The nucleic acid detection agent is used for
 CC detecting the presence of at least 100000, at least 2000, at least 50000
 CC or at least 10000 human exons. The sequences that span exon-exon
 CC junctions eliminate false signals caused by genomic contamination. This

Art Unit: 1643

CC is because a detection element comprising two neighboring exons as one
 CC contiguous sequence will not hybridize to genomic DNA comprising
 CC intervening intronic DNA. These detection elements will only hybridize to
 CC expressed mRNA transcripts in which the exons are connected and the
 CC intronic sequence has been removed, therefore forming one contiguous
 CC stretch of sequence corresponding to the sequence of the detection
 CC element that spans the exon-exon junction.

XX

SQ Sequence 568 BP; 149 A; 168 C; 131 G; 120 T; 0 U; 0 Other;

Alignment Scores:

Pred. No.:	2.06e-59	Length:	568
Score:	996.00	Matches:	188
Percent Similarity:	100.0%	Conservative:	0
Best Local Similarity:	100.0%	Mismatches:	0
Query Match:	6.7%	Indels:	0
DB:	7	Gaps:	0

US-10-715-066A-5_COPY_19152_22152 (1-3001) x AFS86217 (1-568)

Qy	2814	ThrGlnHisPheTyrLeuAsnPheThrIleThrAsnLeuProTyrSerGlnAspLysAla	2833
Db	2	ACCCAGCACTTCTACCTGAATTTCACCATCACCAACCTACCATATTTCCAGGACAAAGCC	61
Qy	2834	GlnProGlyThrThrAsnTyrGlnArgAsnLysArgAsnIleGluAspAlaLeuAsnGln	2853
Db	62	CAGCCAGGCACCACCAATTACCAGAGGAACAAAAGGAATATTGAGGATGCGCTCAACCAA	121
Qy	2854	LeuPheArgAsnSerSerIleLysSerTyrPheSerAspCysGlnValSerThrPheArg	2873
Db	122	CTCTTCCGAAACAGCAGCATCAAGAGTTATTTTCTGACTGTCAAGTTTCAACATTCAAG	181
Qy	2874	SerValProAsnArgHisHisThrGlyValAspSerLeuCysAsnPheSerProLeuAla	2893
Db	182	TCTGTCCCCAACAGGCACCACCGGGTGGACTCCCTGTGTAACCTTCTCGCCACTGGCT	241
Qy	2894	ArgArgValAspArgValAlaIleTyrGluGluPheLeuArgMetThrArgAsnGlyThr	2913
Db	242	CGGAGAGTAGACAGAGTTGCCATCTATGAGGAATTTCTGCGGATGACCCGGAATGGTACC	301
Qy	2914	GlnLeuGlnAsnPheThrLeuAspArgSerSerValLeuValAspGlyTyrSerProAsn	2933
Db	302	CAGCTGCAGAACTTCACCCTGGACAGGAGCAGTGTCTTGTGGATGGGTATCTCCCAAC	361
Qy	2934	ArgAsnGluProLeuThrGlyAsnSerAspLeuProPheTrpAlaValIleLeuIleGly	2953
Db	362	AGAAATGAGCCCTTAACCTGGAATTCTGACCTTCCCTTCTGGGCTGTCATCCTCATCGGC	421
Qy	2954	LeuAlaGlyLeuLeuGlyLeuIleThrCysLeuIleCysGlyValLeuValThrThrArg	2973
Db	422	TTGGCAGGACTCCTGGGACTCATCATGCCTGATCTGCGGTGTCCTGGTGACCACCCGC	481
Qy	2974	ArgArgLysLysGluGlyGluTyrAsnValGlnGlnGlnCysProGlyTyrTyrGlnSer	2993
Db	482	CGGCGGAAGAAGGAAGGAGAATACAACGTCCAGCAACAGTGCCAGGCTACTACCAGTCA	541
Qy	2994	HisLeuAspLeuGluAspLeuGln	3001
Db	542	CACCTAGACCTGGAGGATCTGCAA	565

Art Unit: 1643

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Qy      2767 AspProSerLeuValGluGlnValPheLeuAspLysThrLeuAsnAlaSerPheHisTrp 2786
        ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      458 GACCCACGCTGGTGGAGCAAGTCTTTCTAGATAAGACCCTGAATGCCTCATTCCATTGG 399

Qy      2787 LeuGlySerThrTyrGlnLeuValAspIleHisValThrGluMetGluSerSerValTyr 2806
        ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      398 CTGGGCTCCACCTACCAGTTGGTGGACATCCATGTGACAGAAATGGAGTCATCAGTTTAT 339

Qy      2807 GlnProThrSerSerSerSerThrGlnHisPheTyrLeuAsnPheThrIleThrAsnLeu 2826
        ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      338 CAACCAACAAGCAGCTCCAGCACCCAGCACTTCTACCTGAATTCACCATCACCAACCTA 279

Qy      2827 ProTyrSerGlnAspLysAlaGlnProGlyThrThrAsnTyrGlnArgAsnLysArgAsn 2846
        ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      278 CCATATTCCCAGGACAAAGCCAGCCAGGCACCACCAATTACCAGAGGAACAAAAGGAAT 219

Qy      2847 IleGluAspAla-----LeuAsnGlnLeuPheArgAsnSerSerIleLys 2861
        |||||||||          ||||||||||||||||||||||||||||||||||||||
Db      218 ATTGAGGATGC-GGTGAGAAGGGGGTGCTCAACCAACTCTCCGAAACAGCAGCATCAAG 160

Qy      2862 SerTyrPheSerAspCysGlnValSerThrPheArgSerValProAsnArgHisHisThr 2881
        ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      159 AGTTATTTTCTGACTGTCAAGTTTCAACATTCAGGTCTGTCCCCAACAGGCACCACACC 100

Qy      2882 GlyValAspSerLeuCysAsnPheSerProLeuAlaArgArgValAspArgValAlaIle 2901
        ||||||||||||||||||||||||||||||||||||||||||||||||||||||||||
Db      99  GGGGTGGACTCCCTGTGTAACCTCTCGCCACTGGCTCGGAGAGTAGACAGAGTTGCCATC 40

Qy      2902 TyrGluGluPheLeuArgMetThrArgAsnGlyThrGln 2914
        ||||||||||||||||||||||||||||||||||||||
Db      39  TATGAGGAATTCTGCGGATGACCCGGAATGGTACCCAG 1
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